

Office of Professional Accountability (OPA) Commendations & Complaints Report April 2007

Commendations:

Commendations Received in April: 29

Commendations Received to Date: 68

<i>Alstrin, Kurt Brothers, Todd Daylong, Eric Dermody, James Eagle, Louis</i>	A letter was received commending Lt. Dermody, Sgt. Eagle and Officers Daylong, Alstrin, and Brothers for their assistance in addressing a series of unwanted contacts initiated by one employee to another at a local business establishment. These officers were able to help bring this unwanted situation to a peaceful resolution for the business and its employees.
<i>Bendickson, Matthew Toth, Michael</i>	Officer Toth and Officer Bendickson were commended for their quick response and professionalism to a fellow police officer from another agency that was involved in a traffic accident. Due to significant damage to the vehicle, the officer was unable to get out of his vehicle without assistance. The officers quickly assessed him for possible injuries and proceeded with assistance.
<i>Bourns III, Richard Jackson, James Kaffer, Steve Mullens, Mark Solomon, Mark</i>	One detective, three officers and the crime prevention coordinator were commended for their level of investigation and community involvement during an extensive, ongoing investigation of illegal activities and a burglary. This led to an arrest of a known drug felon and the development of a community block watch.
<i>Daley, Susan Gonzalez, Michael Rezentes, Stephanie White, David</i>	A letter was received by Officers White and Gonzalez and Dispatchers Daley and Rezentes commending them for assistance they provided in checking the welfare of a young adult. The professionalism and compassion of all police members involved are to be commended.
<i>DeLuca, David</i>	Officer DeLuca received a letter of commendation for his actions and investigations during a traffic accident. He was professional and compassionate during the incident and provided exemplary level of care and concern.
<i>Dermody, James Eagle, Louis Hazard, Mark</i>	A heartfelt letter of thanks and gratitude was received by a lieutenant and two sergeants for their assistance during a shareholders' meeting. They worked in partnership with the company's executive protection team to ensure the highest quality of security for not only the shareholders and partners, but also for the President of Rwanda. The annual meeting occurred without incident and provided a safe venue for the public, shareholders, and partners.

<i>Hyra, Matthew</i>	Officer Hyra received a commendation for addressing a victim's concerns in a thorough and professional manner and permanently resolving the harassment issue at the source of the problem.
<i>Jakobsen, Todd Kasner, Earl Mooney, John Redemann Jr, David Steiger, Cloyd</i>	On April 5, 2005, a jury in Prescott, Arizona found suspect Roy guilty of 1st degree Murder. The arrest of Roy and subsequent conviction would not have been possible without the assistance from Sergeant Mooney and undercover work of Detectives Jakobsen and Redemann and Homicide Detectives Steiger and Kasner. The commitment demonstrated by these officers also involved obtaining evidence in a second homicide committed by the subject after the first, for which he has now been convicted. A commendation goes out to them for their professionalism, testimony, and assistance with another agency.
<i>Seibert, Robin Witmer, Donald</i>	A commendation was received by these officers for the assistance they provided to another agency. A state trooper was attempting to stop a vehicle that was seen brandishing a weapon and had requested back-up. Within moments, Officers Witmer and Seibert arrived and responded to this potentially dangerous situation. It was a great example of cooperation between agencies.
<i>Skjonsberg-Fotopoulos, S.</i>	A letter of commendation and thanks was received by Risk Manager Skjonsberg-Fotopoulos for the assistance she provided the Law Department in defending two large multi-party lawsuits. The favorable outcomes to date in these cases are due in large measure to her diligent and comprehensive work.

*This report includes commendations received from citizens or community members. Numerous commendations generated within the department are not included.

April 2007 Closed Cases:

Cases involving alleged misconduct of officers and employees in the course of their official public duties are summarized below. Identifying information has been removed.

Cases are reported by allegation type. One case may be reported under more than one category.

STANDARDS OF CONDUCT: LAWS/POLICY/PROCEDURES

Synopsis	Action Taken
The complainant alleges the named employee offered money in exchange for sex with her, while he was handling a disturbance in a motel and that after the alleged sex, the named employee did not pay any money.	There was insufficient evidence to either prove or disprove the allegations. The investigation determined that it was essentially a word on word case, where a preponderance of evidence cannot be reached for either party. Finding Violation of Law & Misuse of Authority—NOT SUSTAINED.
<p>The complainant alleged that the named employees conducted biased policing because they stopped her based on her race.</p> <p>The complainant further alleged that there was no apparent justification for the stop or arrest documented in the incident report.</p> <p>The complainant alleges the supervisor whom responded did not appropriately address her circumstances.</p>	<p>The investigation determined that there was a lack of articulated, individualized, reasonable suspicion to support the initial stop. There were also insufficient facts reported to document the arrest of a bystander that was taking pictures. Finding Violation of Law—SUSTAINED.</p> <p>It was determined that the employees' reports and interviews lacked sufficient details and justification to support their decisions. Finding Discretion—SUSTAINED.</p> <p>The allegation of misconduct was neither proved nor disproved by a preponderance of the evidence. Finding Unbiased Policing—NOT SUSTAINED.</p> <p>It was determined that the Sergeant, while taking some steps to rectify the issue, should have taken more specific actions in the documentation and forwarding of the citizen's complaint. Finding Responsibilities of Supervisors—SUPERVISORY INTERVENTION.</p>
It was alleged that the named employee committed a violation of law when he drove his personally owned vehicle while under the influences of intoxicants.	Evidence supports that the named employee while off duty, drove his personally owned vehicle while intoxicated. The named employee has entered into a deferred prosecution agreement. Finding—SUSTAINED.

<p>The complainant alleged that during his arrest, the named employees struck him and held him by his throat while he was handcuffed.</p> <p>The complainant further alleged that a supervisor did not properly screen his arrest and that of another subject, who was also detained at the scene and released.</p> <p>Lastly, it is alleged that the named employees failed to properly document the incident, omitted information from the incident report, did not submit collected evidence, and failed to cooperate with the OPA investigative process.</p>	<p>The investigation determined that the force used at the time of the arrest was appropriate and necessary. Finding Force—EXONERATED;</p> <p>A second allegation of Unnecessary Force was alleged to have occurred at the Precinct. A preponderance of evidence indicated the alleged act did not occur as reported. Finding Force--UNFOUNDED.</p> <p>It was determined that the employees did not follow proper arrest procedures. Finding Arrest Procedures—SUSTAINED.</p> <p>The investigation determined that, as alleged, evidence had not been planted. Finding Evidence—Unfounded (both employees)</p> <p>A second allegation that evidence had not been properly accounted for and documented could be neither proved nor disproved by a preponderance of the evidence. Finding Evidence—NOT SUSTAINED. (one employee)</p> <p>The allegation that the employees had failed to cooperate with the investigation could neither be proved nor disproved by a preponderance of the evidence. Finding Cooperation—NOT SUSTAINED.</p> <p>The allegation of an honesty violation was added during the initial investigation. The investigation determined that the allegation did not occur as originally believed. Finding Honesty—UNFOUNDED.</p>
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STANDARDS OF CONDUCT: MISHANDLING PROPERTY/EVIDENCE

Synopsis	Action Taken
<p>The complainant alleged that the named employees failed to secure her purse during an arrest for theft and later, the purse was unaccounted for.</p>	<p>The allegation of misconduct was neither proved nor disproved by a preponderance of the evidence. Finding—NOT SUSTAINED</p>

STANDARDS OF CONDUCT: PROFESSIONALISM

Synopsis	Action Taken
The complainant alleged that the named employee refused to provide information to the media, stating it was “none of their business, and refused to identify herself when asked by the complainant.	Evidence supported that the named employee did not carry out her responsibilities in a professional and courteous manner. Further, the employee did not properly identify herself as required by policy. Finding—SUSTAINED.

UNNECESSARY FORCE

Synopsis	Action Taken
The complainant alleged that the named employees used excessive force when he was punched in the back and his face forced into the pavement during his arrest. The complainant further alleged that a named employee made a racial comment, refused to provide him with medical attention, and did not read him his rights. Lastly, the complainant alleged that the named employee caused his girlfriend to have a miscarriage when they threw her to the ground.	<p>The investigation determined that the force that was applied was necessary and appropriate to control and arrest the complainant. The complainant’s girlfriend was also taken into custody, but she did not participate in the investigation. The girlfriend was taken to King County Jail, not the hospital, as reported by the complainant. No evidence could be developed relating to the issue of the alleged miscarriage or whether she was even pregnant at the time of the arrest. Finding Force—EXONERATED (one officer), UNFOUNDED (two officers).</p> <p>No evidence was developed that would support that inappropriate, unprofessional or racially oriented language was used. Finding Derogatory Language—UNFOUNDED (one officer).</p> <p>It was determined that the complainant was not provided his Miranda Rights following his arrest as required by court rule. This was deemed to be an unintentional omission and a training issue v. misconduct. Finding Miranda Rights—SUPERVISORY INTERVENTION (one officer).</p> <p>There was no evidence to support any of the additional claims of abuse, unprofessional behavior or misconduct. Finding Courtesy—UNFOUNDED (two officer). Finding Discretion—UNFOUNDED (two officers).</p>

<p>The complainant alleged that the named employee slammed him against the wall while he was trying to record his friends' interaction with the police.</p>	<p>The evidence indicated that the complainant was attempting to interject himself into a high-risk scenario where employees believed firearms might be involved. The complainant refused multiple orders to "get back." The investigation determined that the force used was necessary and appropriate to control the complainant and ensure his safety. Finding—EXONERATED.</p>
<p>The complainant alleged that the named employees struck him with a patrol car, sprayed him with pepper spray when he regained consciousness, and took him to jail.</p>	<p>The investigation determined that the employees were responding to resolve a fight when the complainant and the vehicle collided. It could not be determined if the vehicle struck the complainant or if the complainant struck the vehicle as he ran from the scene. The complainant was highly intoxicated at the time of the incident and witness statements were not credible. It also determined that the use of pepper spray to take control and arrest the complainant was appropriate and within policy. Finding— UNFOUNDED (one officer); EXONERATED (one officer).</p>
<p>The complainant alleged that the named employee broke out a car window and tased her following a domestic violence incident.</p>	<p>The investigation determined that the employee's action were proper and necessary and were taken to protect and control the subject, preventing her from hurting herself or others. Finding—EXONERATED.</p>
<p>The complainant alleged that when the subject was arrested, the named employees removed a shoe and gave it to the police K-9 to chew on. The complainant further alleged that the named employees swore at the subject and one employee slammed the subject's head into the patrol car.</p>	<p>The investigation determined that the complainant had fled from the named employees and was pursued over a 10-block area. During the pursuit through a park, yards, a creek bed and brambles, the complainant eventually took refuge in a holly tree. The complainant's shoe appears to have become dislodged in attempts to avoid arrest. The K-9 recovered the shoe during the pursuit and did have it in his mouth when it completed the track. This was determined not to be misconduct. There was no evidence developed to indicate that the complainant was in any way abused, or that his head was forced to the patrol car during this incident, or that there was any inappropriate language used during the incident. Finding— UNFOUNDED.</p>
<p>The complainant alleged that the named employee handled the handcuffed subject roughly, slammed him into a wall, and caused an abrasion over his eye.</p>	<p>The investigation did not support the facts as alleged by the complainant. Evidence indicated that the reported injuries may have occurred prior to SPD intervention and/or may have been self-inflicted after the complainant was taken into custody. Finding— UNFOUNDED.</p>

<p>The complainant alleged that the named employees used excessive force during his arrest for a strong-arm robbery when one employee held him and the other three employees kneed and kicked him.</p>	<p>Despite there being hundreds of witnesses to the incident, none could be found that could support the complainant's allegations. The employees were determined to be more credible, and based on the preponderance of the evidence, it was determined that the alleged misconduct did not occur. Finding—UNFOUNDED.</p>
<p>The complainant alleged that the named employee repeatedly slapped him in the face, smashed his head into a bench, and then pushed him into a wall, while ratcheting his handcuffs into his wrists causing pain and injury, in a precinct holding cell. The complainant further alleged that the other named employees observed the action from within the holding cell but did not intercede.</p>	<p>While it was determined that the employee and complainant exchanged words while the complainant was in custody, there was insufficient evidence to support the complainant's allegation that any force was used during the exchange. It was determined that this issue boiled down to the complainant's word v. the employee's word. Finding Force—NOT SUSTAINED.</p> <p>The employee's report that the only force used was to protect the complainant from hurting himself, which would not necessarily require a force packet to be initiated. The investigation determined that it would have been appropriate to initiate such a report but that the error in doing so was not intentional or egregious. It should be addressed as a training issue and not as misconduct. Finding Use of Force Responsibilities—SUPERVISORY INTERVENTION (one officer); UNFOUNDED (two officers).</p>
<p>The complainant alleged the named employees stopped and "accosted" him by twisting his arm behind his back and hitting him on the head. Complainant further alleged that the named employee threw his belonging on the ground - damaging his cell phone.</p>	<p>The complainant's statements were proven to be inconsistent and unreliable. Further, only one employee was determined to have been the focus of the actual complaint. Finding Force—UNFOUNDED (one officer) and ADMINISTRATIVELY UNFOUNDED (one officer).</p> <p>It was also determined that the cause of the damage to the cell phone could not be identified. Finding Mishandling Property/Evidence- NOT SUSTAINED.</p>
<p>The complainant alleged that the named employees used excessive force when they picked her up and slammed her onto the floor during her arrest.</p>	<p>The facts determined that the complainant was being arrested and was non-compliant with the named employees. The investigation did not support the facts as alleged and it was determined that the force used was minimal and appropriate. Finding Force—UNFOUNDED.</p>

<p>The complainant alleged that the named employee used excessive force when he threw the subject to the ground and shoved him into the patrol car during his arrest. The complainant further alleged that the named employee did not read him his rights and he was never told why he was arrested.</p>	<p>The facts in the case did not support the allegations. There was evidence that was conflicting and also credibility issues with the witnesses. It was determined that the employee's action were reasonable and certainly within policy. Finding Force—UNFOUNDED.</p>
<p>It was alleged that the named employees used unnecessary force during the arrest of a person involved in a dispute with a sergeant outside of a nightclub and that the sergeant also used unnecessary force in dispersing a crowd. It was also alleged that the sergeant's enforcement actions were excessive, unwarranted, and motivated by racial bias. The complaint was received internally; the subjects of the force and arrest declined to participate in the internal investigation.</p>	<p>The evidence showed that sergeant contacted a subject for littering outside of a nightclub. The subject's companion protested the sergeant's actions, and the sergeant directed an arriving officer to arrest him. The officers state that this subject resisted their efforts to handcuff him, and they used significant force to affect his arrest. This force was documented and reported. However, the evidence indicated that the force used was excessive, under the circumstances. Finding as to two employees—SUSTAINED.</p> <p>The evidence also substantiated that the sergeant's supervision of the scene was inadequate, and that his use of force on members of the crowd was excessive. The evidence did not establish by preponderance that the sergeant's actions were motivated or influenced by racial bias. Finding BIASED POLICING—NOT SUSTAINED. Finding PERFORMANCE OF DUTY—SUSTAINED. Finding UNNECESARY FORCE—SUSTAINED.</p>
<p>The complainant alleged that the named employees used excessive force when they dragged her off her bed. The complainant further alleged that one employee purposely broke her glasses during the incident.</p>	<p>The investigation determined that the employee's were taking the complainant into custody for an involuntary mental health evaluation. The complainant refused to cooperate with the employees who then used minimal force to take the complainant into custody. Witnesses supported this determination. Finding Force—EXONERATED.</p> <p>Medical personnel in attendance advise that the complainant's glasses were undamaged at the time the employee gave the glasses to him for safekeeping. Finding Mishandling Property—UNFOUNDED.</p>

<p>The complainant alleged that the named employees used excessive force when they pepper sprayed and tased him during his arrest. The complainant further alleged that an unknown employee threatened to shoot him.</p>	<p>The investigation determined that the complainant was pepper sprayed after refusing to stop fighting with another individual. The complainant took issue with the pepper spraying and attempted to assault the employee. He was subsequently tased, while being arrested. No misconduct was determined. Finding Force—Exonerated.</p> <p>The preponderance of evidence indicated that the alleged act did not occur as reported. Finding Courtesy—Unfounded.</p>
<p>The complainant alleged that the named employees used excessive force by assaulting him, causing injuries to his hands, neck, back, and right shoulder.</p>	<p>Witnesses advised that the complainant aggressively resisted the employee's attempts to get him under control and that the employee's actions were reasonable and measured. There was no evidence of misconduct. Finding—EXONERATED.</p>
<p>The complainant alleged that the named employee punched him in the face, twice, when he asked why he was being arrested.</p>	<p>There was no physical or testimonial evidence to support that the allegation occurred as reported. The investigation concluded that the employee placed his open palm on the side of the complainants face in order to move his head to prevent being spit upon. It was determined that there was no misconduct. Finding—UNFOUNDED.</p>
<p>The complainant alleged that an unknown employee used excessive force when he was knocked to the ground, causing a head laceration, and he was maced when he stood back up.</p>	<p>The investigation could not identify any involvement of any SPD employee. The incident took place as the highly intoxicated complainant attempted to illegally access a nightclub. It would be reasonable to conclude the incident may possibly have involved non-SPD personnel. Finding—UNFOUNDED.</p>
<p>The complainant alleged that the named employee used excessive force when they struck the subject with flashlights and tased him multiple times. The complainant further alleged that the named employees threatened two acquaintances and denied the subject's rights to an attorney.</p>	<p>The force used was to control an intoxicated defiant, violent and combative suspect. The force used was determined to be appropriate, necessary and within policy. One application of force was questioned as to the degree of appropriateness; there was the alleged use of a flashlight as a striking instrument. Finding Force—EXONERATED (eight officers); NOT SUSTAINED (one sergeant).</p> <p>Witness and participant statements did not support that threatening comments were made to bystanders. The complainant's attorney was unable to locate him at the hospital due to the hospital not having a correct room number for the complainant, not as a result of any actions taken by SPD personnel. Finding Profanity & Courtesy—UNFOUNDED.</p>

April 2007 Cases Mediated:

No complaints were mediated in April.

Definitions of Findings:

“Sustained” means the allegation of misconduct is supported by a preponderance of the evidence.

“Not Sustained” means the allegation of misconduct was neither proved nor disproved by a preponderance of the evidence.

“Unfounded” means a preponderance of evidence indicates the alleged act did not occur as reported or classified, or is false.

“Exonerated” means a preponderance of evidence indicates the conduct alleged did occur, but that the conduct was justified, lawful and proper.

“Supervisory Intervention” means while there may have been a violation of policy, it was not a willful violation, and/or the violation did not amount to misconduct. The employee’s chain of command is to provide appropriate training, counseling and/or to review for deficient policies or inadequate training.

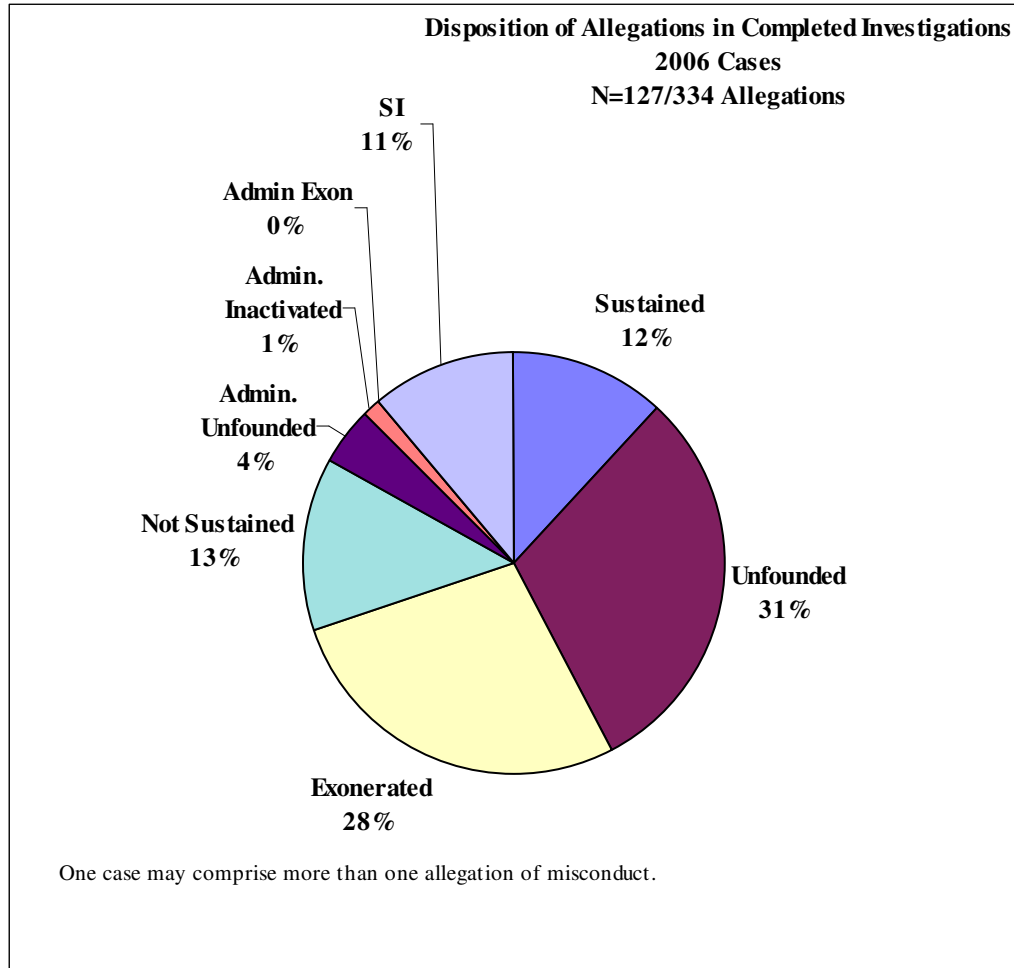
“Administratively Unfounded/Exonerated” is a discretionary finding which may be made prior to the completion that the complaint was determined to be significantly flawed procedurally or legally; or without merit, i.e., complaint is false or subject recants allegations, preliminary investigation reveals mistaken/wrongful employee identification, etc, or the employee’s actions were found to be justified, lawful and proper and according to training.

“Administratively Inactivated” means that the investigation cannot proceed forward, usually due to insufficient information or the pendency of other investigations. The investigation may be reactivated upon the discovery of new, substantive information or evidence. Inactivated cases will be included in statistics but may not be summarized in this report if publication may jeopardize a subsequent investigation.

Status of OPA Contacts to Date:

2006 Contacts	Dec 2006	Jan-Dec 2006
Preliminary Investigation Reports	14	284
Cases Assigned for Supervisory Review	5	83
Cases Assigned for Investigation (IS;LI)	10	127*
Commendations	21	397

*includes 2006 cases closed in 2007



2007 Contacts	April 2007	Jan-Dec 2007
Preliminary Investigation Reports	34	101
Cases Assigned for Supervisory Review	12	34
Cases Assigned for Investigation (IS;LI)	18	58
Commendations	29	68